



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2003-00801-YN

Issue Date: April 11, 2006

Expiration Date: May 1, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Rosetti Family Irrevocable Trust
427 New Karner Road
Albany, NY 12205

ACTIVITY: Discharge fill material into waters of the United States to facilitate the expansion of an existing apartment complex known as "Shaker Run".

WATERWAY: Unnamed Tributary to Shakers Creek (Mohawk River Basin)

LOCATION: Village of Colonie, Albany County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. 2003-00801-YN

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites included in the Register within the permit area. There are, however, archaeological sites in the project vicinity that are eligible for inclusion in the Register, but are proposed to be avoided during the construction of the proposed project. On September 9, 2005, the New York State Office of Parks, Recreation and Historic Preservation (SHPO) determined that the proposed project would have no adverse effect on these archaeological resources, provided certain measures are implemented to assure they are protected during construction (04PR01577). The New York District is reviewing all relevant documentation to ensure that the requirements of Section 106 of the National Historic Preservation Act are satisfied.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration: SPDES authorization and Article 24 Permit from the New York State Department of Environmental Conservation; Site Plan approval from the local Planning Board; and Sewer and Water approval from the County Health Department.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 273-7420 and ask for Christine Delorier.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

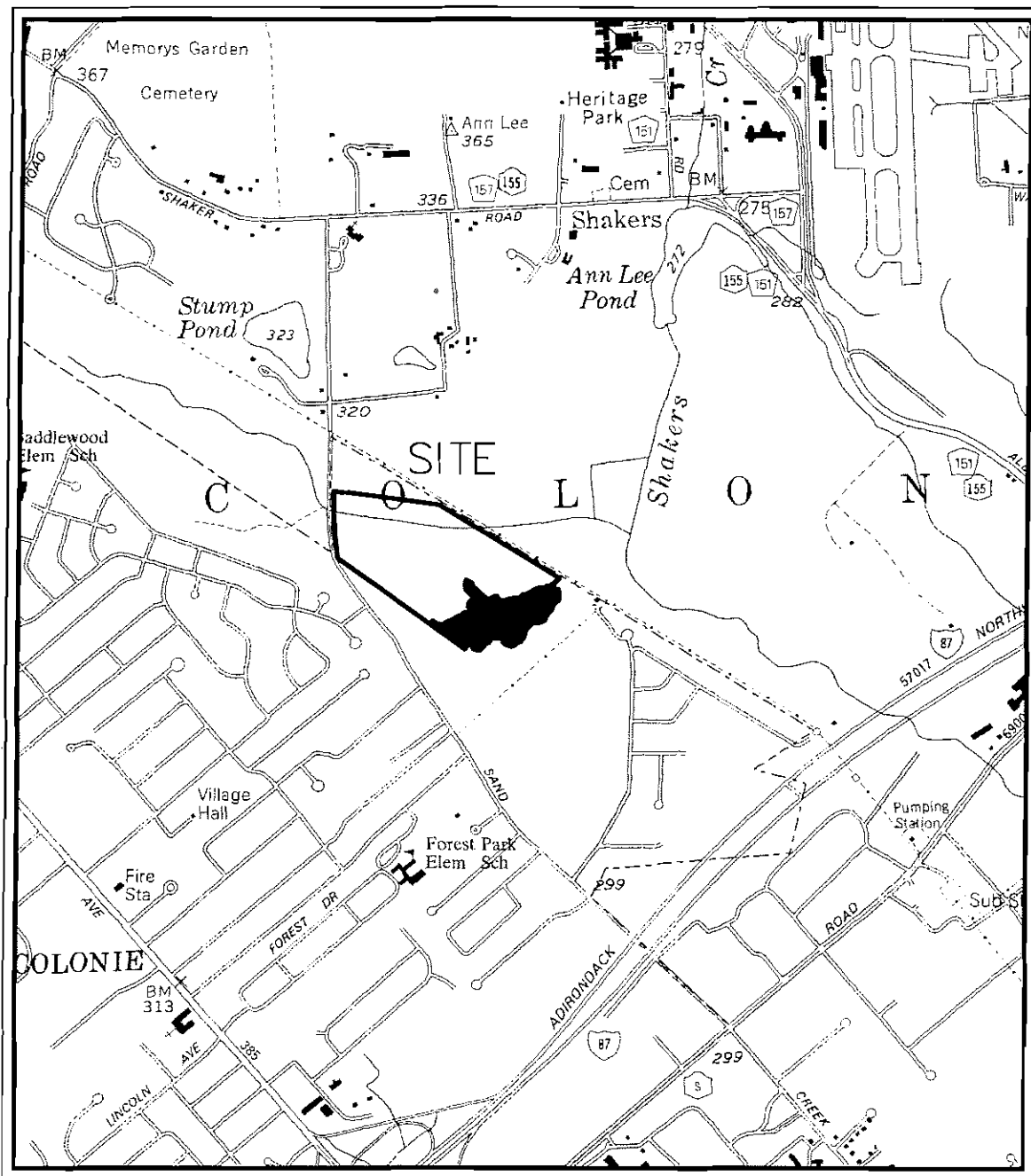
WORK DESCRIPTION

The applicant, Rosetti Family Irrevocable Trust, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the expansion of an existing apartment complex known as "Shaker Run". The project site is located off of Sand Creek Road in the Village of Colonie, Albany County, New York.

By letter dated February 25, 1993, the New York District, U.S. Army Corps of Engineers authorized the applicant, in accordance with the terms and conditions of the nationwide permit program effective at that time, to discharge fill material into 0.50 acre of waters of the United States to construct the existing Shaker Run apartment complex. The existing apartment complex consists of several buildings containing a total of 184 apartment units and associated access roads, parking lots, recreational facilities, stormwater managements basins, and a rental office.

Currently, the applicant proposes to expand the apartment complex by constructing two new buildings that would contain 16 additional apartment units. To accomplish this, the work would involve the discharge of fill material into 0.08 acre of forested wetlands and 75 linear feet of an intermittent tributary to Shakers Creek to construct an access road that connects the existing development to the proposed new buildings. The travel surface of the new road would be 24 feet wide. The 75 linear feet of stream impacts include a 45 foot long culverted road crossing and the placement of 10 linear feet of riprap at the culvert inlet and 20 linear feet at the culvert outlet to provide scour protection. The remaining work associated with the proposed expansion, including the apartment buildings, parking areas and stormwater management basins, would occur in uplands.

As mitigation for the proposed impacts to waters of the United States, the applicant proposes to preserve a 4.15 acre area that abuts the project site. The preservation area contains 2.5 acres of wetlands, a portion of the unnamed tributary to Shakers Creek, and a 1.65 acre upland buffer. The proposed preservation area is also adjacent to an approximately 85 acre area that was previously preserved by the applicant when the existing apartment complex was developed.



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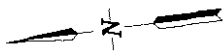
2603 GUILDERLAND AVENUE
SCHENECTADY, N.Y. 12306
PHONE: (518) 393-7725
FAX: (518) 393-3761

SITE LOCATION

SCALE: 1" = 2000'

USGS QUADRANGLE: ALBANY

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Rosetti Family Irrevocable Trust
Sheet 1 of 10



LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	TEST PIT LOCATION
	INTERMITTENT STREAM
	PROPOSED CLEARING LIMITS
	LIMIT OF JURISDICTIONAL DETERMINATION
	WETLAND AREA (WITHIN PROJECT BOUNDARY)
	WETLAND AREA (OUTSIDE PROJECT BOUNDARY)
	PROPOSED WETLAND VEGETATION
	FEDERAL WETLAND IMPACT AREA

PREVIOUS FEDERAL WETLAND IMPACTS
(EXISTING PORTION OF SHAKER RUN)
APPROXIMATELY 0.50 A.C.

PROPOSED FEDERAL WETLAND IMPACTS
3,485 S.F. (0.08 A.C.)

PROPOSED STREAM IMPACTS
75 L.F.

JURISDICTIONAL DETERMINATION AREA= 9.85 A.C.



SITE OVERVIEW

SCALE: 1"=200'

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SHAKER RUN APARTMENTS WETLAND IMPACT PLAN
DATE: JANUARY 3, 2005 SCALE: AS SHOWN SHEET COVER

MATCH SHEET 3

SHAKER RUN APARTMENTS	WETLAND IMPACT PLAN	
DATE: JANUARY 3, 2005	SCALE: 1"=60'	SHEET 1 OF 4

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SHEET 1 OF 4

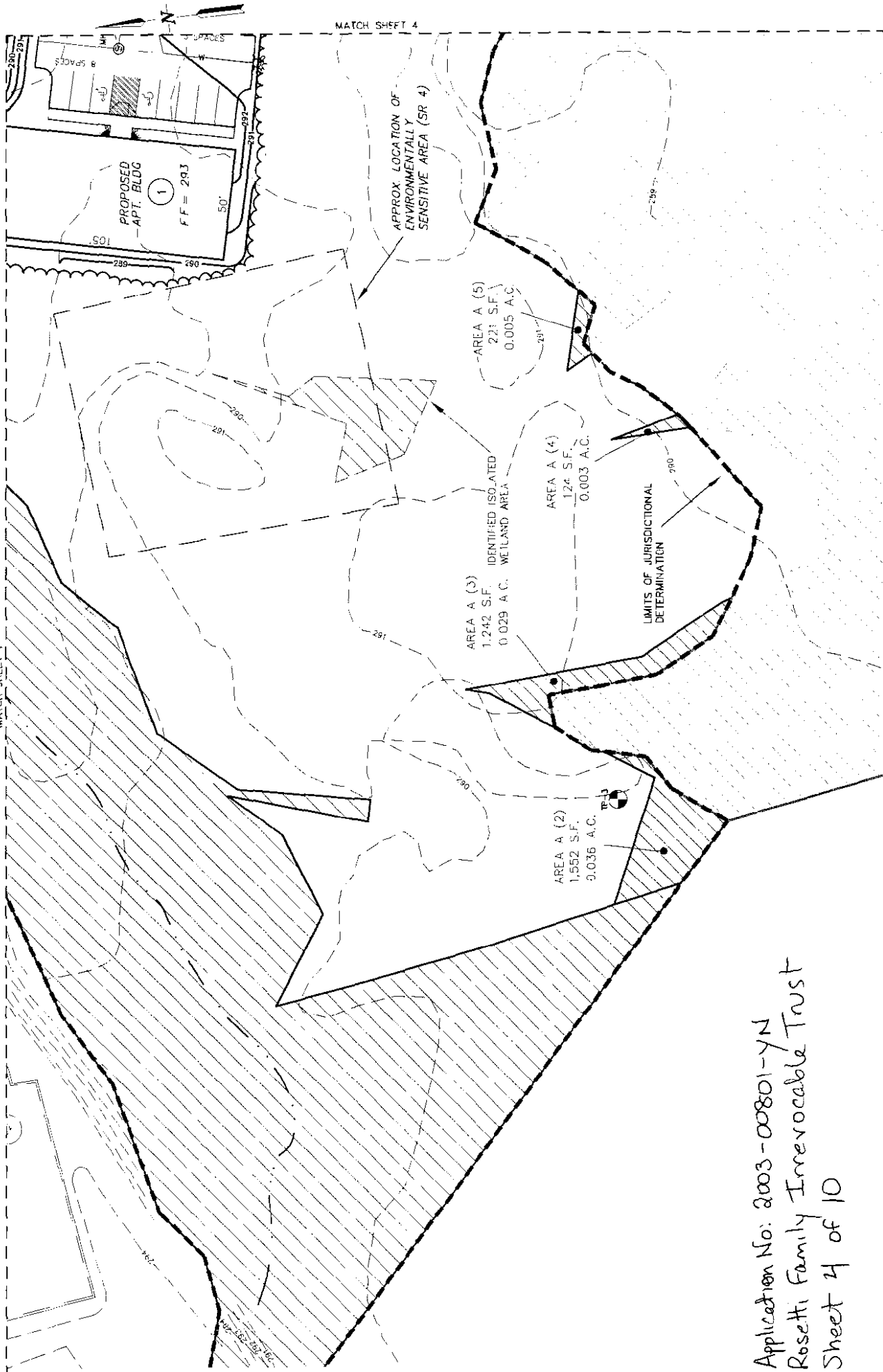
DATE: JANUARY 3, 2005

SCALE: 1"=60'

SHEET 1 OF 4

MATCH SHEET 1

MATCH SHEET 4



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 Rosetti Family Irrevocable Trust
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SHAKER RUN APARTMENTS

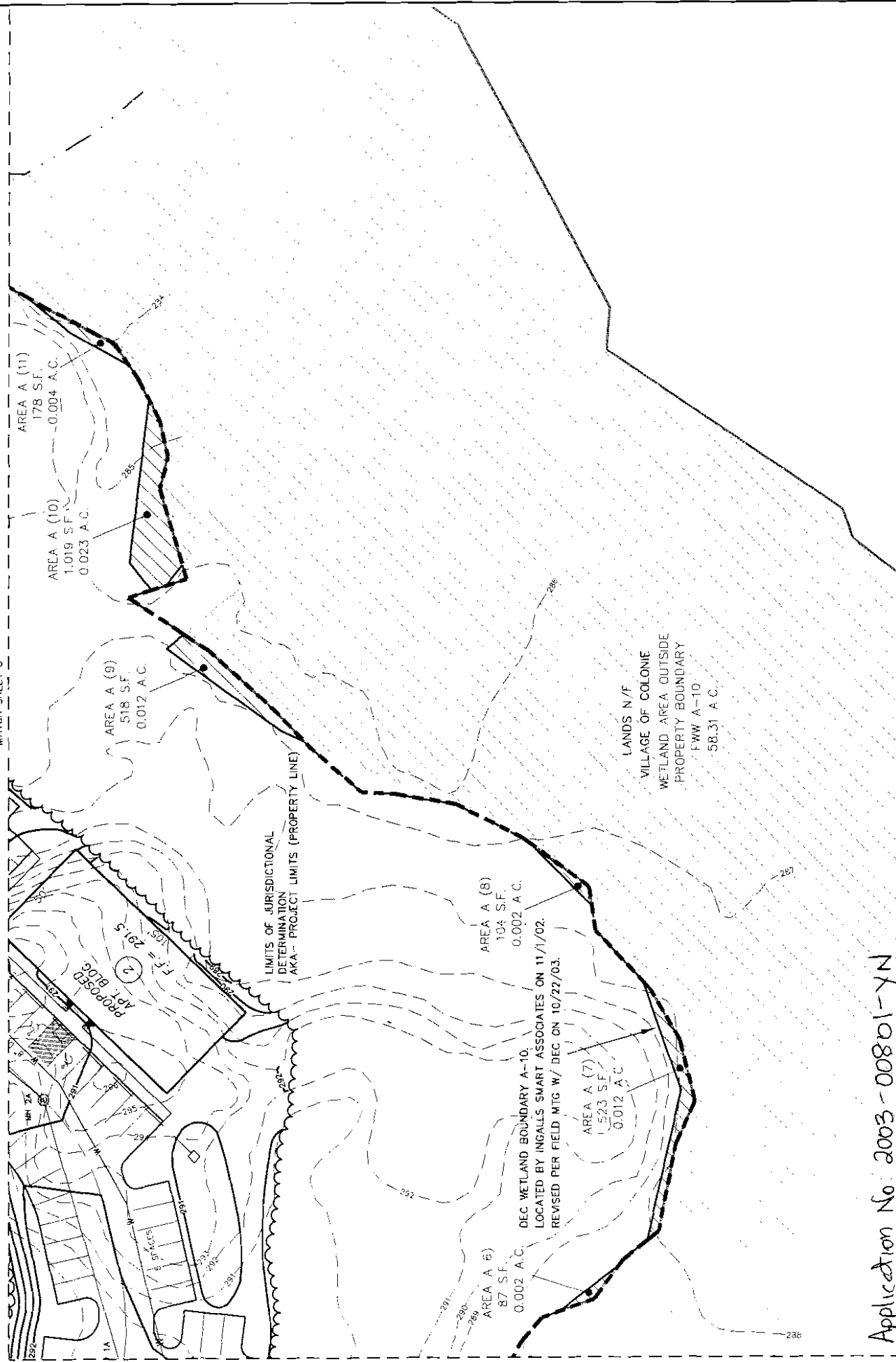
WETLAND IMPACT PLAN

DATE: JANUARY 3, 2005

SCALE: 1"=60'

SHEET 2 OF 4

MATCH SHEET 3

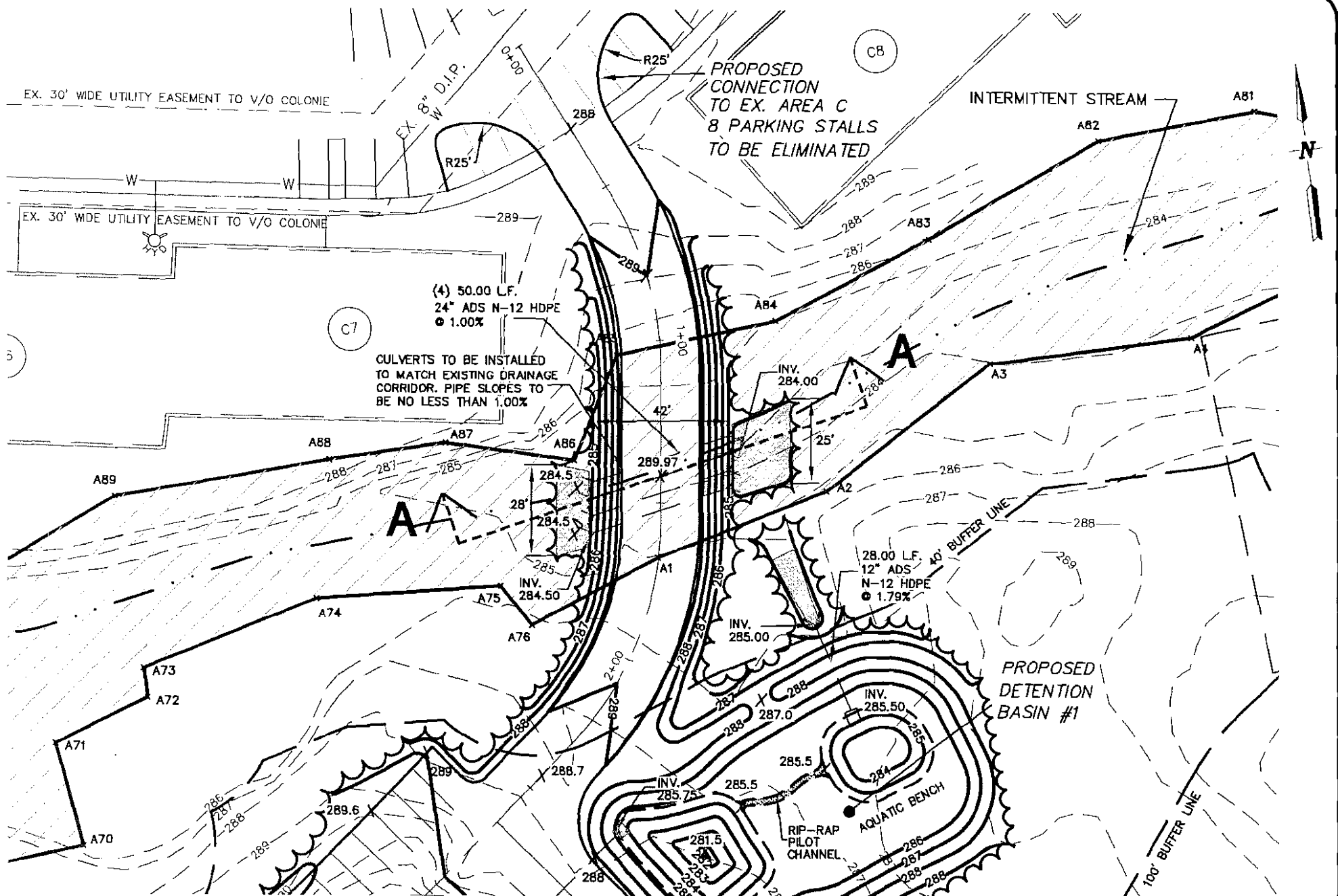


MATCH SHEET 2

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 Rosetti Family Irrevocable Trust
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SHAKER RUN APARTMENTS WETLAND IMPACT PLAN
 DATE: JANUARY 3, 2005 SCALE: 1"=60' SHEET 4 OF 4



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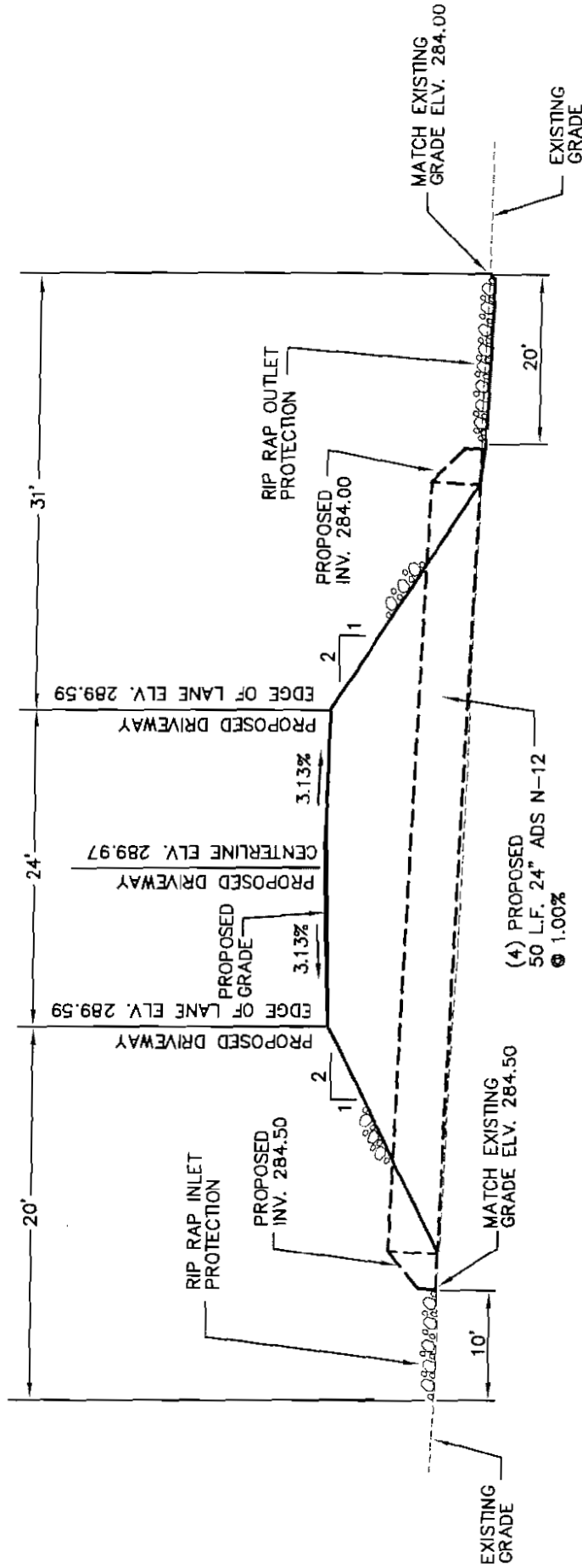
SHAKER RUN APARTMENTS

STREAM CROSSING PLAN

DATE:
MARCH 1, 2006

SCALE: 1"=40'

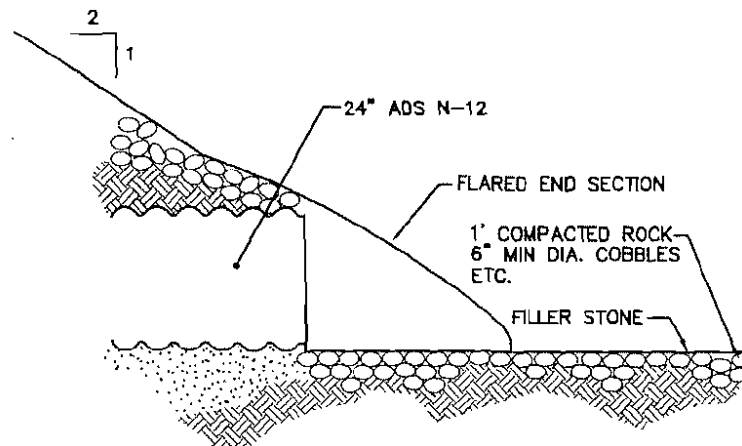
SHEET 1 OF 3



STREAM CROSSING SECTION AA

SCALE : NONE

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NOTES:

- 1) FIELD CONDITIONS AT THE TIME OF CONSTRUCTION SHALL DETERMINE THE USE OF FILTER FABRIC. THIS DECISION, SHALL BE MADE BY THE ENGINEER AND/OR N.Y.S.D.E.C.
- 2) WORK TO BE PERFORMED DURING LOW FLOW CONDITIONS.
- 3) NO MOTORIZED EQUIPMENT SHALL BE OPERATED IN STREAM.
- 4) ANY DISTURBED ADJACENT STREAM BANKS SHALL BE STABILIZED BY RIP-RAPPING OR SEEDING AND MULCHING AS APPROPRIATE.
- 5) SUFFICIENT WATER FLOW SHALL BE MAINTAINED TO DOWNSTREAM.

STREAM CROSSING
(4) 24" ADS N-12 W/ FLARED END SECTIONS

SCALE : NONE

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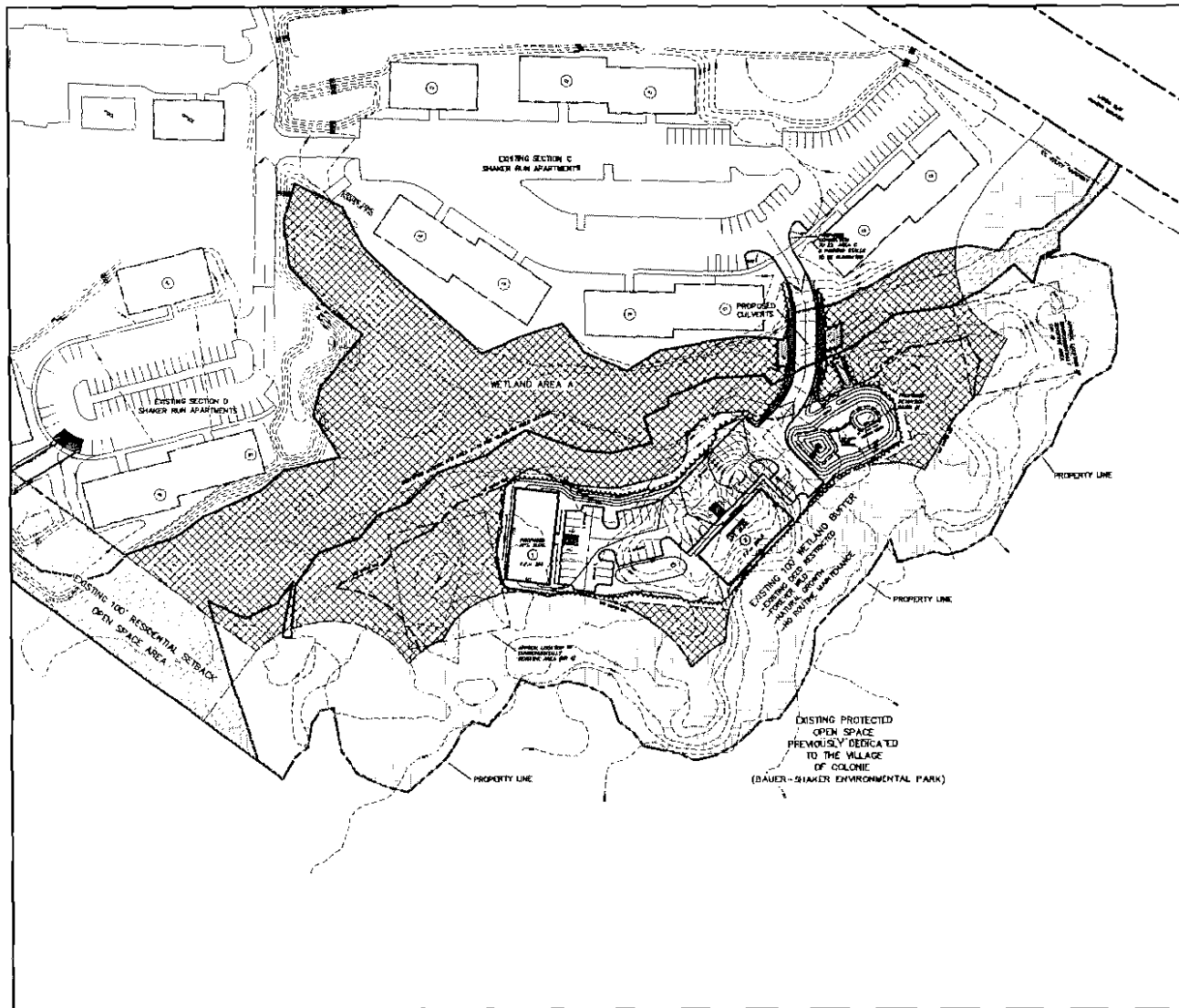
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SHAKER RUN APARTMENTS STREAM CROSSING DETAIL

DATE:
 MARCH 1, 2006

SCALE: N.T.S.

SHEET 3 of 3



SITE OVERVIEW

SCALE: 1"=200'

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LEGEND

- 280 EXISTING CONTOUR
- 280 PROPOSED CONTOUR
- PROPOSED CLEARING LIMITS
- WETLAND AREA
- PROPOSED DEED RESTRICTED OPEN SPACE AREA = 4.15± A.C.
- EXISTING 100' WETLAND BUFFER
 --EXISTING DEED RESTRICTED
 --FOREVER WILD
 --NATURAL GROWTH
 --NO ROUTINE MAINTENANCE
- EXISTING 100' RESIDENTIAL SETBACK OPEN SPACE AREA

PROPOSED DEED RESTRICTED
 OPEN SPACES AREA

WETLAND AREA = 2.50± A.C.
 UPLAND & BUFFER AREA = 1.65± A.C.

TOTAL PROPOSED OPEN SPACE AREA = 4.15± A.C.

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SHAKER RUN APARTMENTS		PROPOSED OPEN SPACE	
DATE: JANUARY 3, 2005	SCALE: AS SHOWN	SHEET COVER	